III.   REMARKS

Claims 1-22 are pending in this application. By this Amendment, claims 1, 5, 8, 10, 11, 15, 19, and 20 have been amended, and no claims have been cancelled. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious allowance of the claimed subject matter. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation and/or divisional patent applications. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-4 and 6 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Horvitz et al. (US Pat. No. 6,151,130, hereinafter, "Horvitz"); and claims 6 and 7-22 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Horvitz in view of Ogimoto et al. (US Pat. No. 6,032,205).

With respect to independent claim 1, Applicants respectfully submit that Horvitz does not disclose each and every element of the invention as claimed herein, and traverse the rejection accordingly. Applicants respectfully submit that Horvitz fails to teach the features of "obtaining a set of rules for classifying messages on a client" (claim 1, line 2), "providing a message on the client to be sent to a server" (*id.*, line 3), "classifying the message on the client based on the set of rules," (*id.* line 4), and "sending the message to the server based on the message classification" (*id.*, line 5).

Horvitz teaches a mass email sender establishing a network connection (col. 7, line 17-18), creating an outgoing message (*id.*, line 22), and instructing an email program to separately transmit a copy of the message to each addressee on a distribution list (*id.*, lines 22-26). The messages are transmitted onto the Internet for transmission to the intended recipients. (*Id.*, lines

30-31.) "Once each message has been transmitted to its recipient by program 17, Internet 50 will then route that message to a mail server ... that services that particular recipient." (*Id.*, lines 36-39.) The recipient then retrieves his or her email messages by establishing a network connection and executing client email program 130, which fetches all of the recipient's mail, mass distributed ("spam") and otherwise. (*Id.*, lines 43-50.) Horvitz's invention thus "permits an e-mail client program to analyze message content for a given recipient and distinguish, based on that content and for that recipient, between spam and legitimate (non-spam) messages and so classify each incoming e-mail message for that recipient." (Col. 8, lines 40-45.)

Accordingly, Horvitz cannot teach "obtaining a set of rules for classifying messages on a client" (claim 1, line 2), "providing a message on the client to be sent to a server" (claim 1, line 3), and "classifying the message on the client based on the set of rules" (claim 1, line 4) as recited in claim 1. Antecedent basis compels the interpretation of the recited features to include "obtaining a set of rules for classifying messages on a client," "providing a message on the [same] client *to be sent to a server*," and "classifying the message on the [same] client based on the set of rules." (*Id.*) Thus, the classification of the message is accomplished at the client, the message still "to be sent to a server." This feature is neither taught nor suggested by Horvitz's recitation of an email client which classifies incoming messages which have already been sent from a sender's email client to at least one server, and then to the recipient's email client.

Applicants further submit that Horvitz fails to teach the feature of "sending the message to the server based on the message classification" (claim 1, line 5). As discussed above, Horvitz teaches the sending of the message prior to the classification of the message, thus rendering anticipation of the claimed feature impossible.

Accordingly, on the basis of at least these inadequacies in the Horvitz reference and the arguments presented above, Applicants respectfully request the withdrawal of the rejection of claim 1 under § 102(b). Regardless, Applicants have also amended claim 1 to provide improved clarity with respect to the claimed features.

With respect to the rejections of independent claims 10, 15, and 20 under § 103(a), Applicants respectfully submit that Horvitz and Ogimoto fail to teach each and every feature recited herein.

For example, with respect to claim 10, Applicants submit that Horvitz and Ogimoto do not teach the features of "creating a set of rules for classifying messages… and separately monitoring on a server for classified messages having one of a plurality of message classifications based on the set of rules" (Claim 10, lines 3-7; and similarly recited at claim 15, lines 2-6; and claim 20, lines 3-7).

As discussed above relative to claim 1, Horvitz teaches the transmission of an email message by a sender to a server, and fetching of that message by a recipient's email client. The recipient's email client program then analyzes message content and distinguishes and classifies spam and legitimate (non-spam) messages based on the content. In contrast, the claimed invention creates a set of rules for classifying messages. Because Horvitz teaches classification *after* transmission of the message, clearly Horvitz does not teach or suggest this feature. Following this reasoning, it is also not possible for Horvitz to teach "separately monitoring on the server for classified messages," as Horvitz's message have not yet been classified when they are received on, or fetched from the server.

With respect to the rejection of independent claims 15 and 20 under § 103(a), Applicants note that these claims include features similar in scope to those already addressed above with

respect to claim 10. Specifically, claim 15 recites a system including "a rules system for managing a set of rules for classifying messages… and a plurality of monitoring systems, wherein each monitoring system monitors for messages having a unique message classification," (lines 2-6); and claim 20 recites "program code for managing a set of rules for classifying messages... program code for providing the set of rules to a client; and program code for separately monitoring a plurality of ports on a server for classified messages" (lines 3-7). Further, the Office relies on the same arguments and interpretations of Horvitz as discussed above with respect to claim 10. To this extent, Applicants herein incorporate the arguments presented above.

Applicants further submit with respect to claims 15 and 20, as well as claim 10, that the teachings of Ogimoto neither cure, nor are alleged to cure, the defects discussed above relative to the Horvitz reference. Additionally, Applicants have amended these claims to provide improved clarity with respect to the claimed features. Accordingly, Applicants respectfully request the withdrawal of the rejections of these claims for the above-stated reasons.

With respect to the rejection of dependent claim 4 under § 102(b), Applicants respectfully submit that Horvitz does not teach the feature of "wherein the classifying step includes matching an attribute of the message with at least one of the set of rules." Horvitz teaches a classifier 370, which "can be implemented through, e.g., a support vector machine (SVM) … a Naïve Bayesian classifier, a limited dependence Bayesian classifier, a Bayesian network classifier, … or any other statistical or probabilistic-based classification technique" (Col. 15, lines 11-17), however, Bayesian methods rely on probability and statistics, rather than an attribute of the message. Accordingly, Applicants submit that Horvitz does not clearly teach this feature.

With respect to the rejection of dependent claim 5 under § 103(a), Applicants respectfully submit that claim 5 has been amended herein for the purpose of providing improved clarity, and that Horvitz and Ogimoto do not teach the feature recited therein. Specifically, claim 5 recites the "method of claim 1, further comprising adjusting a communications protocol port for the message based on the classification prior to the sending step." Ogimoto, on which the Office relies to teach the feature of the recited port, teaches "a request adjustment circuit 35 corresponding to the output port "0" is correspondingly arranged for every input ports "0" to "3", i.e. in correspondence with the request issuing circuits 31 and 34..." (Ogimoto, col. 4, lines 27-30.) Thus, Ogimoto's teachings pertain to adjustment of physical input and output ports, rather than *communications protocol ports* as recited herein. Because Ogimoto's physical ports are not relevant to the communications protocol ports, Applicants respectfully submit that the subject matter recited in claim 5 is not obvious.

With respect to dependent claims 2, 3, 5-9, 11-14, 16-19, and 21-22, and with further respect to claim 4, Applicants respectfully submit that these claims are allowable for reasons stated above relative to independent claims 1, 10, 15, and 20, as well as for their own additional claimed subject matter. Accordingly, Applicants respectfully request that the Office withdraw the rejections under 35 U.S.C. § 102(b) to claims 2-9, 11-14, 16-19, and 21-22.

Applicants respectfully submit that the Application as presented is in condition for allowance. Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

/John LaBatt/

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